

REMARKS

Claims 15-27 were pending in the case at the time of the Office Action, claims 1-14 have been previously canceled. Claims 15-27 were rejected. Thus, claims 15-27 are currently under consideration.

Rejections under 35 U.S.C. § 112

Claims 1-28 were rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for treating certain disorders associated with columnar epithelial inflammation, does not reasonably provide enablement for treating all conditions associated with columnar epithelial inflammation.

This rejection is believed to be moot in part and overcome in part, at least, for the following reasons.

The rejection is directed to claims 1-28. However, claims 1-14 were cancelled in the response to the Office Action of August 23, 2006 filed on October 23, 2006. Therefore, the rejection of claims 1-14 is moot.

With respect to claims 15-28, the rejection is moot. However, the following discussion overcomes the rejection, at least, for the following reasons.

Applicants respectfully submit that the Office is rejecting a prior set of claims not pending in the case. Specifically, claims 16-28 all depend from claim 15. Claim 15 no longer depends from claim 1 and no longer recites a method of treating a disease or condition as was the case in the claims pending at the time of the reply of June 6, 2006 filed in response to the Office action of February 6, 2006. Those claims were rejected in the Office action of August 23, 2006, in response to which the claims were amended in the reply of October 23, 2006 (see above), claims 1-14 being cancelled. In the prior set of claims at issue in the Office action of August, 23, 2006, claim 15 depended from claim 1. As shown in the current set of claims provided in the instant response, Claim 15, now in independent format, recites a method of inhibiting PMN migration across columnar epithelia and inflammation in a subject. Therefore, the Offices rejection based on the specification “does not reasonably provide enablement for treating all conditions associated with columnar epithelial inflammation” is moot.

Further, Applicants note that enablement for the current claim set is fully provided in the specification as discussed in the reply filed December 19, 2008. For example, the Office is referred to, at least, paragraphs [0003], [0006]-[0009], [0012]-[0022] and in Example 1 at [0075]-

[0124] of the published application US 2004/0151712. In addition, Applicants note that of all the above referenced documents are available in the USPTO's PAIR system.

Claims 15-27 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time of the application was filed, had possession of the claimed invention.

This rejection is overcome, at least, for the following reasons.

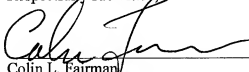
The Office states that the claims are rejected because “the claims are drawn to the ‘wherein the lipoxins compound is an analog of natural lipoxin A4, and wherein the analog of natural lipoxin A4 has metabolic transformation region different from the natural lipoxin A4.’ . . . Although, the instant specification provides support for certain analogs of lipoxin-B and a few analogs of lipoxin A4, but there is no adequate written description for the phrase “natural analogs of lipoxin-A4.” (sic) Office action at page 4. Applicants believe there is a misunderstanding evidenced by the statement “natural analogs of lipoxin-A4.” Specifically, as noted by the Office, the claims are directed to “analog of natural lipoxin A4” not “natural analogs of lipoxin A-4” as is erroneously stated. Further, the as-filed specification provides a discussion of lipoxins, lipoxin analogs and combinations thereof at, for example, [0039]-[0058]. Included is a definition of such analogs and the “metabolic transformation region” of such compounds. Further, various examples of analogs lipoxin A4 are provided in the specification, as well as being recited in the claim. Therefore, the Office’s statement that “factors to be considered include disclosure of complete or partial structure, physical and/or chemical properties, functional characteristics, structure/function correlation or a combination thereof” are found to be evidently lacking is puzzling as all of the recited criteria are provided in the as-filed specification. Specifically, the structures of exemplary analogs are provided in the specification in Example 3 at paragraph [0153] of the published application. The physical and/or chemical properties are the subject of the specification and are discussed throughout the specification. This is also true of the functional characteristics which are described in the patent and recited in the claims. Therefore, for this reason alone, the rejection is overcome and should be withdrawn. Applicants respectfully request same.

CONCLUSION

In view of the foregoing, it is respectfully submitted that each of the pending claims is in condition for allowance, and a Notice of Allowance is earnestly solicited. The Examiner is invited to contact the undersigned attorney at (612) 321-2237 with any questions, comments or suggestions relating to the referenced patent application.

CUSTOMER NUMBER **38824**

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Colin L. Fairman', is written over a horizontal line.

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